

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

ECC CONSTRUCTION, INC.,

Plaintiff and Respondent,

v.

OAK PARK CALABASAS
HOMEOWNERS ASSOCIATION,

Defendant and Appellant.

B163108

(Los Angeles County
Super. Ct. No. LC032986)

ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on May 20, 2004, be modified as follows:

1. On page 9, the first sentence of the second full paragraph is modified to read as follows:

Accordingly, we hold that section 108(c)(2) applies to provide a 30-day extension of the time in which a trial court may rule on a motion for new trial, if the automatic stay is in effect while the motion is pending.

2. On page 9, at the end of the second full paragraph, add the following as footnote 6:

⁶We express no opinion as to the propriety of the dismissal with respect to any claims raised by defendant in its cross-complaint. We will

consider a motion or request to dismiss such claims if supported by appropriate documentation.

There is no change in the judgment. Respondent's petition for rehearing is denied.

SPENCER, P.J.

ORTEGA, J.

MALLANO, J.